

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ISMAEL ZAMBRANO-TIRADO, SR A/K/A
"SENIOR," ISMAEL ZAMBRANO, JR
A/K/A "CHUY," SANTIAGO GARCIA-
SANCHEZ A/K/A "CHAGUI," EDUARDO
JIMENEZ, ALONSO CERVANTES-GARCIA
A/K/A "EL CHAUFFEUR," SAMUEL GARCIA,
and FERNANDO
GAMON,

Defendants.

8:19CR245

**PRELIMINARY ORDER OF
FORFEITURE**

This matter is before the Court upon the United States of America's Motion for Preliminary Order of Forfeiture (Filing No. 191). The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. On September 12, 2019, the Court held a change of plea hearing and defendant Santiago Garcia- Sanchez agreed to enter a plea of guilty to Counts Four, Five, and Six of the Superseding Indictment. (Filing No. 90).
2. On January 13, 2020, the Court held a change of plea hearing and defendant Fernando Gamon agreed to enter a plea of guilty to Counts Eighteen through Twenty and agreed to admit to the Forfeiture Allegation and forfeiture of the Superseding Indictment. (Filing No. 122).
3. On June 15, 2020, the Court held a change of plea hearing and defendant Eduardo

Jimenez, agreed to enter a plea of guilty to Counts Seven, Eight, Nine, and Ten of the Superseding Indictment. (Filing No. 148).

4. On December 9, 2020, the Court held a change of plea hearing and defendant Ismael Zambrano-Tirado, Sr. agreed to enter a plea of guilty to Count One and agreed to admit to the Forfeiture Allegation of the Superseding Indictment. (Filing No. 172).

5. On December 14, 2020, the Court held a change of plea hearing and defendant Alonso Cervantes-Garcia agreed to enter a plea of guilty to Counts Nine, Thirteen, and Fourteen of the Superseding Indictment. (Filing No. 176).

6. On December 28, 2020, the Court held a change of plea hearing and defendant Samuel Garcia, agreed to enter a plea of guilty to Counts Fifteen and Sixteen of the Superseding Indictment. (Filing No. 183).

7. On January 28, 2021, the Court held a change of plea hearing and defendant Ismael Zambrano, Jr, agreed to enter a plea of guilty to Count Two of the Superseding Indictment. (Filing No. 186).

8. The Forfeiture Allegation alleged that defendants used the properties to facilitate the offenses and/or that the properties were derived from proceeds obtained directly or indirectly as a result of the commission of the offenses:

a. Real property located at 6500 Railroad Av, Omaha, Nebraska, 68107, more particularly described as Parcel Number 05074 70000, with the legal description:

A part of Block 15, Albright's Choice, an Addition to the City of Omaha, Douglas County, Nebraska, except the Easterly 7.0 feet thereof taken for right of way purposes bounded by Railroad Avenue on the East, Union Pacific Railroad right of way on the West and Drexel Street on the South, being more particularly described as follows: Beginning at a point on the existing Westerly right of way line of Railroad Avenue, said right of way line is 7.0 feet Westerly of the originally platted East line of Block 15, Albright's Choice, and the Northerly right of way line of Drexel Street

as opened and dedicated by Ordinance No. 111738 on June 5, 1923; thence continuing along the Westerly right of way line of Railroad Avenue, North 33°00'00" West (assumed bearing) for a distance of 546.85 feet to a point of intersection with the Easterly right of way line of Union Pacific Railroad's main line; thence continuing along said Easterly right of way line of Union Pacific's main line along a circular curve to the Southeast having a radius of 5829.65 feet and subtended by a chord bearing South 27°08'113" East and a distance of 499.56 feet to a point of tangency; thence South 24°40'52" East along said railroad right of way line a distance of 33.40 feet to a point on the Northerly right of way line of said Drexel Street; thence North 73°47'00" East along said Northerly right of way line of said Drexel Street a distance of 58.35 feet to the Point of Beginning; and,

b. A 2016 Dodge Challenger RT Scat Pack, VIN: 2C3CDXGJ9GH143323, registered to Samuel Garcia.

9. By virtue of said pleas of guilty, defendants have forfeited their interests in the subject properties. Accordingly, the United States should be entitled to possession of the properties pursuant to 21 U.S.C. § 853.

10. The Motion for Preliminary Order of Forfeiture should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. The Motion for Preliminary Order of Forfeiture is hereby granted.

B. Based upon the Forfeiture Allegation of the Superseding Indictment and the pleas of guilty, the United States is hereby authorized to seize the properties.

C. Defendants' interests in the properties is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).

D. The United States shall hold the property in its secure custody and control.

E. Pursuant to 21 U.S.C. § 853(n)(1), the United States shall publish notice of this Preliminary Order of Forfeiture for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov. The United States may

also, to the extent practicable, provide direct written notice to any person known to have an interest in the properties.

F. Pursuant to 21 U.S.C. § 853(n)(2), such notice shall provide that any person, other than the defendant, having or claiming a legal interest in any of the properties must file a petition with this Court within 30 days of the final publication of notice or of receipt of actual notice, whichever is earlier.

G. Pursuant to 21 U.S.C. § 853(n)(3), a petitioner must sign the petition under penalty of perjury and set forth the nature and extent of the petitioner's right, title or interest in the property and any additional facts supporting the petitioner's claim and the relief sought.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

ORDERED this 4th day of February, 2021.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge